the customer was insolvent, and under section 68a of the Bankruptcy Act the bank is entitled to set off the deposits against the overdrafts.

Lien—Equitable Mortgage—Transfer of Dower as Consideration for Deed of Trust.—Where more than four months prior to adjudication a bankrupt, in furtherance of repeated promises to secure his wife for money borrowed from time to time, executed a deed of trust upon a certain farm to secure payment of his debt to her in consideration of her joining in another deed of trust on the same day, by which she surrendered her contingent right of dower in and to his farm to the extent of $12,500 of its value, it is held in Moore *v.* Green, 16 Am. B. R. 648, that she is not entitled to an equitable mortgage operating as a valid lien for the amount of her debt irrespective of the trust deed, nor does she by the relinquishment of her dower occupy any vantage ground against the creditors of her husband except as to her commuted dower in the property that she surrendered.

Act of Bankruptcy—Appointment of Receiver of Corporation Because of Insolvency—Adjudication of Corporation—Trustee Entitled to Assets.—Where in a suit to wind up a corporation the petition of its president, who was a creditor, contains sufficient allegations as to its inability to pay its debts, that its property is insufficient to pay its debt to plaintiff and a receiver is asked for and appointed, it is held in Hooks *v.* Aldridge, 16 Am. B. R. 658, that the facts justify a finding that the appointment of the receiver was "because of insolvency" of the corporation and constitutes an act of bankruptcy, and upon the adjudication of the corporation its assets in possession of the State court receiver should be turned over to the trustee in bankruptcy.

Bankruptcy Act—Adjudication of Persons "Engaged Chiefly in Farming."—It is held in Flickinger *v.* First Nat. Bk. of Vandalia, 16 Am. B. R. 678, that the provision of section 4b of the Bankruptcy Act, that any natural person except a person "engaged chiefly in farming" is subject to adjudication, should be construed as having reference to the conditions existing at the time an alleged act of bankruptcy is committed, and a person who owned and exclusively managed a farm until he made a general assignment for creditors, is not subject to adjudication as a bankrupt upon a petition filed four months after the assignment, the making of which was charged as the act of bankruptcy, although the assignee had sold the farm before the filing of the petition in bankruptcy.

Arrest—Exemption from on Civil Process—Habeas Corpus.—Where after adjudication a bankrupt is imprisoned under an order of arrest issued upon a judgment rendered against him prior to his adjudica-

tion in an action brought in a Federal Circuit Court, for the conversion of the proceeds of passenger tickets sold by him, it is held in Matter of Wenman, 16 Am. B. R. 690, that he is entitled to be released from imprisonment; (1) under section 9a of the Bankruptcy Act he is exempt from arrest in the action; (2) he is not held upon a debt or claim from which his discharge in bankruptcy would not be a release.

Trustee—Failure to Appoint—Bankrupt's Title to Cause of Action Not Divested by Adjudication.—The Court of Appeals of the State of New York has very recently held in Rand *v.* Iowa Central Railway Co., 16 Am. B. R. 692, that where no trustee was ever appointed, a bankrupt, in an action for services rendered, is not precluded from recovering, by the fact of his adjudication after the cause of action had accrued and before the commencement of the suits.

Assets — Concealment — Incredible Story as to Disposition of Money.—In Re Weinreb, 16 Am. B. R. 702, decided in the U. S. Circuit Court of Appeals, Second Circuit, holds that where the court is satisfied that the testimony of bankrupts, who had been jewelers and diamond brokers, that within a period of nine days they had paid out $18,200 to a stranger for what they suspected were smuggled diamonds is an entire fabrication and that the bankrupts have the money concealed from their creditors, an order directing payment thereof to the trustee will be affirmed.

The case below presents an interesting and novel point, as far as decisions go. That it is founded on common sense and right reason, there can be little question.

Company—Directors—Resolution of Majority Shareholders for Sale of Undertaking—Refusal of Directors to Carry Out Resolution of Shareholders.—Automatic Self-Cleansing Filter Co. *v.* Cunninghame (1906), 2 Ch. 34, was an action by the company and by the plaintiff McDiarmid, a shareholder, on behalf of himself and all other shareholders of the company against the directors of the company to compel them to carry out a resolution passed by a majority of the shareholders of the company authorizing a sale of the company's undertaking. The articles provided inter alia that the management of the business of the company should be vested in the directors, and they considered it would not be in the interests of the company to carry out the resolution and refused to do so. Warrington, J., who tried the action dismissed it, and the Court of Appeal (Collins, M.R., and Cozens-Hardy, L.JJ.) affirmed his decision. The articles of association provided that the directors might be removed by a special resolution of the shareholders, and the Court held that so long as they were continued in office their action